

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

No. 7:16-cv-00108

THOMAS E. PRICE, M.D., Secretary of
the United States Department of
Health and Human Services,¹ *et al.*,

Defendants.

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Defendants respectfully request an extension of time to respond to Plaintiffs' Motion for Summary Judgment (March 14, 2017), ECF No. 82, until May 2, 2017, when Defendants' answer or other response to the operative complaint is presently due, *see* Order at 1 (Feb. 27, 2017), ECF No. 79. Defendants' present deadline to respond to Plaintiffs' summary judgment motion is April 4, 2017.² Counsel for Plaintiffs have informed the undersigned that Plaintiffs will oppose the instant motion.

The Court has previously granted an extension request by Defendants on the basis of "the need for new leadership at the Department of Health and Human Services to become familiar with the issues in this case." *See id.* The Department is now considering whether further

¹ Thomas E. Price, M.D., Secretary of the United States Department of Health and Human Services, "is automatically substituted as a party" for Sylvia Burwell. Fed. R. Civ. P. 25(d).

² Proposed Intervenor's Motion for Stay of Proceedings Pending Appeal of Denial of Intervention As Of Right (March 27, 2017), ECF No. 85, is pending.

administrative action concerning the Section 1557 regulation that Plaintiffs challenge would be appropriate.

Accordingly, Defendants request an extension of time, until their answer or other response is due—*i.e.*, May 2, 2017—to respond to Plaintiffs’ summary judgment motion. In the alternative, if the Court denies Defendants’ request for an extension until May 2, 2017, Defendants respectfully request that the Court permit them seven days from the date of its order so doing to respond to Plaintiffs’ summary judgment motion.

Dated: April 4, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

SHEILA M. LIEBER
Deputy Director, Federal Programs Branch

/s/ Adam Grogg
ADAM GROGG
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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I hereby certify that on April 3, 2017, I emailed Plaintiffs' counsel to ask Plaintiffs' position on the relief requested herein, and that Plaintiffs' counsel responded that Plaintiffs will oppose the instant motion.

/s/ Adam Grogg
ADAM GROGG

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2017, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg
ADAM GROGG